

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MATTHEW ELVEY and GADGETWIZ, INC,  
on their own behalf and on behalf  
of all others similarly situated,

No C 07-2852 VRW  
ORDER

Plaintiffs,

v

TD AMERITRADE, INC and DOES 1-  
100,

Defendants.

BRAD ZIGLER, on behalf of  
himself, the general public and  
all others similarly situated,

No C 07-4903 VRW

Plaintiff,

ORDER

v

TD AMERITRADE, INC and DOES 1-  
100,

Defendants.

On June 13, 2008, the court consolidated the above-  
captioned actions. See 07-2852 VRW Doc #58; 07-4903 VRW Doc #23.

1 The court further ORDERS as follows:

2 1. Elvey et al v TD Ameritrade et al, C 07-2582 VRW and  
3 Zigler v TD Ameritrade et al, C 07-4903 VRW are consolidated for  
4 all purposes, including pretrial proceedings and trial, pursuant to  
5 FRCP 42(a).

6 2. The caption of these consolidated actions shall be  
7 "In re TD Ameritrade Accountholder Litigation," and the files of  
8 these consolidated actions shall be maintained in one file under  
9 Master File No C 07-2582 VRW. Any other actions now pending or  
10 hereafter filed in this district which arise out of or are related  
11 to the same facts as alleged in the above-identified cases shall be  
12 consolidated for all purposes if, as and when they are drawn to the  
13 court's attention.

14 3. A Master Docket and a Master File are hereby  
15 established for the consolidation of proceedings in all of the  
16 actions consolidated herein and in all other cases filed in or  
17 transferred to this court and consolidated herewith (hereinafter  
18 "these consolidated actions"). Entries in said Master Docket shall  
19 be applicable to these consolidated actions as more fully set forth  
20 below. Separate dockets shall also be maintained for each of these  
21 consolidated actions, and entries shall be made therein in  
22 accordance with the regular procedures of the clerk of this court,  
23 except as modified by this order.

24 4. When a pleading is filed and the caption, pursuant  
25 to 8 and 9, infra, shows that it is to be applicable to "All Class  
26 Actions," the clerk shall file such pleading in the Master File and  
27 note such filing in the Master Docket. No further copies need be  
28 filed or docket entries made.

1           5. When a pleading is filed and the caption, pursuant  
2 to 8 and 9, *infra*, shows that it is to be applicable to fewer than  
3 all of these consolidated actions, the clerk need file such  
4 pleading only in the Master File but nonetheless shall note such  
5 filing in both the Master Docket and in the docket of each such  
6 action.

7           6. When a case which properly belongs as part of *In re*  
8 *TD Ameritrade Accountholder Litigation* is hereafter filed in this  
9 court or transferred here from another court and assigned to Judge  
10 Walker, the clerk of this court shall:

11           (a) Place a copy of this order in the separate file for  
12 such action;

13           (b) Serve upon the attorneys for the plaintiffs in the  
14 newly filed or transferred case a copy of this order and direct  
15 that this order be served upon any new defendant(s) in the newly  
16 filed or transferred case, or their counsel; and

17           (c) Make an appropriate entry in the Master Docket.  
18 This court requests the assistance of counsel in calling to the  
19 attention of the clerk of this court by administrative motion the  
20 filing or transfer of any case which might properly be consolidated  
21 as part of *In re TD Ameritrade Accountholder Litigation*.

22           7. This order shall apply to each case subsequently  
23 filed in this court or transferred to this court which is related  
24 to *In re TD Ameritrade Accountholder Litigation*, unless a party  
25 objecting to the consolidation of such case or to any other  
26 provision of this order shall, within ten days after the date upon  
27 which a copy of this order is mailed to counsel for such party,  
28 file an application for relief from this order or any provision

herein, and this court deems it appropriate to grant such application.

8. Every pleading filed in these consolidated actions, or in any separate action included herein, shall bear the following caption:

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

In re TD AMERITRADE	)	Master File No.
ACCOUNTHOLDER LITIGATION	)	
_____	)	C 07-2852 VRW
	)	
This Document Relates to:	)	
_____	)	Class Action
	)	

9. When a pleading is intended to be applicable to all actions in which this order is applicable, the words "All Actions" shall appear immediately after the words "This Document Relates to:" in the caption set out above. When a pleading is intended to be applicable to some, but not all, of such actions, this court's docket number for each individual action to which this pleading is intended to be applicable and the last name of the first-named plaintiffs in said action shall appear immediately after the words "This Document Relates to:" in the caption described above, for example, "C 07-2852 VRW (Elvey)."

All other pending case management issues will be addressed by way of a separate order.

IT IS SO ORDERED.



VAUGHN R WALKER  
United States District Chief Judge